

**FILED**

**NOV - 1 2012**

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

UNITED STATE DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
Charleston, West Virginia

United States of America,  
Plaintiff,

v

Civil Action No.: 2:10-1087  
(lead action)  
Judge Copenhaver

\$88,029.08, more or less, \$85,127.08  
from WesBanco account xxxx7905 and  
\$2902.00 United States currency,  
Defendant.

United States of America,  
Plaintiff,

v

Civil Action No.: 2-11-0101  
(consolidated action)  
Judge Copenhaver

\$27,671.50 proceeds on deposit  
at WesBanco Bank, Inc. Wheeling,  
WV xxxxxx3002,  
Defendant.

Interested parties: John F. Tomasic  
and Katherine A. Hoover MD

MOTION TO RECUSE JUDGE COPENHAVER

The interested parties obtained a copy of the search and seizure warrant for the first time on or about October 16, 2012 signed by Magistrate Judge Mary Stanley. The search and seizure warrant lacked territorial jurisdiction and had the fatal error of failing to list John F. Tomasic as a joint owner of either WesBanco account. Despite the fact that the warrant was invalid WesBanco employee, Jessica McClanahan in Charleston, WV released the funds from xxxxxx3002 by check number 508015830 payable to the U S Marshall Service for \$27,671.50 and issued check no. 5080158831 for \$85,127.08 for the entire balance of Account No.xxxx7905 .

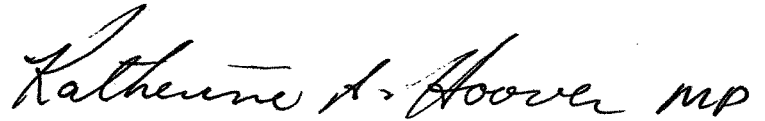
Judge Copenhaver has WesBanco listed as one of the companies for which he must recuse himself. This case is now a matter of WesBanco complying with a void seizure warrant and Judge Copenhaver is not capable of being impartial by his own admission. (see attached recusal list)

WHEREFORE Judge Copenhaver is required to recuse himself which makes all of his previous rulings void. This requires that all monies be returned to John F. Tomasic and Katherine A. Hoover MD with interest, costs, and penalties.

Respectfully submitted,

A handwritten signature in cursive script that reads "John F. Tomasic". The signature is fluid and elegant, with a large initial 'J' and 'T'.

John F. Tomasic

A handwritten signature in cursive script that reads "Katherine A. Hoover MD". The signature is fluid and elegant, with a large initial 'K' and 'H'.

Katherine A. Hoover MD

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**UNITED STATES DISTRICT COURT**  
Southern District of West Virginia

**Teresa L. Deppner, Clerk**  
**Ted Philyaw, Chief Probation Officer**

#### General Information

CM/ECF Information Published Opinions Rules, Procedures, Plans and Standing Orders Court Calendar Jury Information  
Naturalization Information Forms Judges Fees and Post-Judgment Interest Rates Attorney Information Criminal Justice Act (CJA) Prisoner and Other Pro Se Litigation Student Education, Community Outreach, and Library Other Links Court

#### History

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## Judge John T. Copenhaver, Jr.'s October 9, 2012 Recusal List

Judge John T. Copenhaver, Jr. has interests that would cause his recusal from any case: civil, criminal, bankruptcy, or administrative review, involving any of the following entities that could be affected by the case outcome:

- Bank One
- Cabot Oil & Gas Corporation
- Chase
- Columbia Atlantic Trading Corporation
- Columbia Electric Corporation
- Columbia Energy Group Affiliates
- Columbia Energy Group Capital Corporation
- Columbia Energy Resources, Inc.
- Columbia Energy Service Corporation
- Columbia Gas
- Columbia Gas of Kentucky, Inc.
- Columbia Gas of Maryland, Inc.
- Columbia Gas of Ohio, Inc.
- Columbia Gas of Pennsylvania, Inc.
- Columbia Gas of Virginia, Inc.
- Columbia Gas Transmission Corporation
- Columbia Gulf Transmission Corporation
- Columbia Insurance Corporation, Limited
- Columbia LNG Corporation
- Columbia Power Marketing Corporation
- Columbia Propane Corporation
- Dynegy
- East Resources
- Energy.com Corporation
- Exxon
- H G Energy LLC
- Huntington Bancshares, Inc.
- Huntington Banks
- Huntington National Bank
- J. P. Morgan
- Morgan Stanley
- NiSource
- Pennzenergy Exploration & Production
- Pennzoil
- Verizon
- WesBanco

CERTIFICATE OF SERVICE

I, John F. Tomasic, do hereby certify that a true and correct copy of the fore going MOTION TO RECUSE JUDGE COPENHAVER has been sent by United States mail on October 30, 2012 to AUSA Betty Pullin 300 Virginia St. East Suite 4000 Charleston, West Virginia 25301.

A handwritten signature in black ink, appearing to read "John F. Tomasic", written over a horizontal line.

John F. Tomasic  
c/o Dr. Norman Gay  
N-3222  
Nassau, N.P., Bahamas  
305-812-5406

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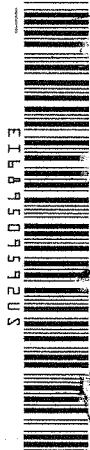
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